IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 25th day of June 2005
Criminal Misc. Bail Application No. 532/ 2005
Order on the bail Application of accused

CRIMINAL SIDE

Maqsood S/o Shri Nanhu Sah
R/o village Khanpur
P.S. Kemari Rampur
At present R/o Mohalla Bhadaipura
Ward No. 4 P.S. Rudrapur
District U.S. Nagar .....Applicant

Versus

State of Uttaranchal
.....Opposite Party

Arising out of case crime No. 837/ 2004
U/s 18/20 N.D.P.S. Act
P.S. Rudrapur
District-U.S. Nagar

Hon'ble J.C. S. Rawat, J.

Heard Sri Durga Singh Mehta learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. As per the prosecution story, about 1.25 KG of chars (contraband material) was recovered from the possession of the applicant. The chemical examiner has specifically mentioned that the charas was about 1KG and it was not 1.25KG. It is further alleged that the recovered quantity of charas from the possession of applicant was not weighted at the time of recovery and as such it cannot be said that it is one kilogram or below. Learned counsel for the applicant further contended that the presumption should be drawn in favour of the applicant that it may be less than one kilogram, which is not a commercial quantity. The applicant has no criminal history. From the fact, there are reasonable grounds for believing that the applicant-accused is not guilty of such offence and that he is not likely to commit any such offence which on bail. Considering the facts and totality of the circumstances of the case, it is fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C. S. Rawat, J.)

Dated 25.06.2005
LSR